UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
EHICHIOYA, FRED I

ART UNIT	PAPER NUMBER
2162	

DATE MAILED: 01/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/852,266	YAMAZAKI ET AL.
	Examiner	Art Unit
	Fred I. Ehichioya	2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11/14/2006*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 - 63* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 - 63* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1 – 63 are pending in this Office Action.

Response to Arguments

2.   Applicants argue:

(a)   Uchida, Nakamura, nor any proper combination of the two describes or suggests a display having a built-in sensor (page 14, paragraph 2).

Examiner respectfully disagrees with the applicants. Uchida discloses "Fingerprint sensor" displayed on a portable terminal as "a display having a built-in sensor" (Fig. 1 step 10).

(b)   Uchida, Nakamura, nor any proper combination of the two describes or suggests having sending means send the notice of coincidence as data to the mating party "when all of collation results prove coincident (page 14, paragraph 3).

Examiner respectfully disagrees. Examiner submits that Uchida discloses the sending means sends (page 11, lines 8 – 10) the notice of coincidence as data to the mating party when all of collation results prove coincident (page 23, lines 5 – 10: Examiner interprets "input fingerprint is in accord with the fingerprint feature stored" as "when all of collation results prove coincident").

(c)   Uchida, Nakamura, nor any proper combination of the two describes or suggests the use of multiple kinds of "reference living body information" (page 14, paragraph 4).

Examiner respectfully disagrees. Uchida discloses plurality of fingers" as "plurality of reference living body information" (page 30, lines 22 – 25).

(d)   Uchida, Nakamura, nor any proper combination of the two describes or

suggests starting a communication between the user and mating party through the

manager after the mating party receives the notice of coincidence as data (page 15,

paragraph 1).

Examiner respectfully disagrees. Uchida discloses communication between the

user and the mating party (as shown on page 31, lines 21 – 22) after the mating party

receives the notice of coincidence as data (page 23, lines 5 – 18: Examiner interprets

"input fingerprint is in accord with the fingerprint feature stored" as "the notice of

coincidence")

(e)   Uchida, Nakamura, nor any proper combination of the two describes or

suggests rewriting the reference living body information when the password is

authenticated as correct - - - re-write the reference living body information (page 15,

paragraph 2).

Examiner respectfully disagrees. Uchida discloses living body information is

rewritten when the password is authenticated (page 36, lines 6 – 9).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

4.   Claims 1 – 20, 23, 25 – 36, 43 – 45, 49 – 58, 60, 61 and 63 are rejected under 35

U.S.C. 103(a) as being unpatentable over Uchida in view of USPN 6,144,757 issued to

Shinichi Fukuzumi et al (hereinafter "Fukuzumi").

Regarding claims 1, 7, 55 and 56 Uchida teaches a communication system for

distinguishing a user, said system comprising:

a storing means for storing reference living body information (see page 20, lines

13 – 17; Uchida discloses "fingerprint" as "living body");

a display having a built-in sensor (Fig. 1 step 10: Examiner interprets the

"portable terminal" as "display" and Fingerprint sensor" is interpreted as "built-in

sensor"") for reading living body information of the user (see page 21, lines 17 – 19);

a sending means for sending (page 11, lines 8 – 10) a notice of coincidence as

data to a mating party when a collation result proves coincident (page 23, lines 5 - 10),

wherein a communication between the user and a mating party is started through

the manager after the mating party receives the notice of coincidence as data (see page

23, lines 5 – 10); Uchida discloses "authenticating executing device 2" as "mating

party").

Uchida does not explicitly collation and a collating means for collating the

collation living body information with the reference living body information.

Fukuzumi discloses collation (column 6, lines 6 - 8and a collating means for

collating the collation living body information with the reference living body information

(column 7, lines 34 – 38).

It would have been obvious to one of ordinary skill in the data processing art at

the time of the present invention to combine teaching of the cited references because

Fukuzumi's teaching of "collation" would have allowed Uchida's system to provide an

organism identification method that can securely identify whether or not a fingerprint

image input object relates to a living body.

Regarding claims 11 and 17, Uchida teaches a communication system for
distinguishing a user, said system comprising:

a storing means for storing reference living body information (see page 20, lines
13 – 17; Uchida discloses "fingerprint" as "living body");

a display having a built-in sensor (Fig. 1 step 10: Examiner interprets the
"portable terminal" as "display" and Fingerprint sensor" is interpreted as "built-in
sensor"") for reading living body information of the user (see page 21, lines 17 – 19);

a sending means for sending (page 11, lines 8 – 10) a notice of coincidence as
data to a mating party when a collation result proves coincident (page 23, lines 5 - 10),

wherein a password is sent as data to the mating party/manager after the notice
of collation is sent to the mating party/manager (page 28, lines 1 - 12), and the
reference living body information is rewritten when the password is authenticated as
correct on the mating party (page 36, lines 6 - 9).

Uchida does not explicitly collation and a collating means for collating the
collation living body information with the reference living body information.

Fukuzumi discloses collation (column 6, lines 6 - 8and a collating means for
collating the collation living body information with the reference living body information
(column 7, lines 34 – 38).

It would have been obvious to one of ordinary skill in the data processing art at
the time of the present invention to combine teaching of the cited references because
Fukuzumi's teaching of "collation" would have allowed Uchida's system to provide an

organism identification method that can securely identify whether or not a fingerprint image input object relates to a living body.

Regarding claims 2 and 12, Uchida teaches a wherein the reference living body information comprises n reference living body information, the collation living body information of the user comprises n collation living body information of the user, the collating means collates the n collation living body information with the n reference living body information (page 8, lines 15 – 24), and the sending means sends (page 11, lines 8 – 10) the notice of coincidence as data to the mating party when all of collation results prove coincident (page 23, lines 5 - 10).

Regarding claims 3 and 13, Uchida teaches wherein the reference living body information comprises n reference living body information, the collation living body information of the user comprises in collation living body information of the user, the collating means collates the m collation living body information with the n reference living body information, and the sending means sends the notice of coincidence as data to the mating party when at least one of the n reference living body information coincides with at least one of the m collation living body information (see page 21, lines 14 – 27).

Regarding claims 4 and 14, Uchida teaches wherein the reference living body information comprises a plurality of kinds of reference living body information, the collation living body information of the user comprises a plurality of kinds of collation living body information of the user, the collating means collates the plurality of collation living body (Fukuzumi: column 7, lines 34 – 38). information with the plurality of reference living body information (Uchida discloses plurality of fingers" as "plurality of reference living body information" (page 30, lines 22 – 25), and the sending means sends (page 11, lines 8 – 10) the notice of coincidence as data to the mating party when the plurality of kinds of collation living body information wholly coincide with the plurality of kinds of reference living body information (page 23, lines 5 – 10: Examiner interprets "input fingerprint is in accord with the fingerprint feature stored" as "when all of collation results prove coincident")

Regarding claims 5 and 15, Uchida teaches wherein the reference living body information comprises n reference living body information of a plurality of kinds, the collation living body information comprises in collation living body information of a plurality of kinds of a user, the collating means collates the m collation living body information with the n reference living body information (Fukuzumi: column 7, lines 34 – 38), and the sending means sends the notice of coincidence as data to the mating party when at least one of each kind of collation living body information among the plurality of kinds of collation living body information coincides with at least one of each kind of

reference living body information among the n reference living body information (see

page 23, lines 5 – 23).

Regarding claims 6 and 16, Uchida teaches wherein the reference living body

information comprises n reference living body information of a plurality of kinds, the

collation living body information comprises m collation living body information of a

plurality of kinds of a user, the collating means collates the in collation (Fukuzumi:

column 7, lines 34 – 38) living body information with the n reference living body

information, and the sending means sends the notice of coincidence as data to the

mating party when all of the plurality of kinds of collation living body information coincide

with all of the n reference living body information (see page 21, lines 14 – 27).

Regarding claims 8 and 9, Uchida teaches a causing means for causing the

manager to send the notice of coincidence as data to a mating party (see page 24, lines

7 – 21 and page 29, lines 13 – 23),

wherein the communication between the user and the mating party is directly

started after the mating party receives the notice of coincidence as data (see page 27,

lines 21 - 27).

Regarding claims 10 and 27, Uchida teaches wherein a transaction is conducted

between the user and the mating party (see page 1, lines 7 – 14),

wherein an identification of the user is requested only when the condition set to

the mating party is satisfied (see page 28, lines 10 – 15).

Regarding claims 18, 28, 29 and 30, Uchida teaches wherein the reference living

body information comprises at least one selected from the group consisting of a

fingerprint, a palm print and a voiceprint (see page 35, lines 7 – 16).

Regarding claims 19, 31, 32 and 33, Uchida teaches wherein the collation living

body information comprises at least one selected from the group consisting of a

fingerprint, a palm print and a voiceprint (see page 35, lines 7 – 16).

Regarding claims 20, 26, 34, 35, 36, 52, 53 and 54, Uchida teaches wherein the

palm print is a palm print of the whole palm or a palm print of a part of the palm (see

page 35, lines 7 – 16).

Regarding claims 23, 43, 44, 45, 58 and 61 Uchida teaches a portable

information terminal is used (see page 35, lines 17 – 22).

Regarding claims 25, 49, 50, 51, 60 and 63, Uchida teaches a personal computer

is used (see page 1, lines 16 – 22).

Regarding claim 57, Uchida teaches the transmitting means send the signal of performing authentication of the user to at least the mating party and the manager (see column 5, lines 31 – 44).

5.   Claims 21, 22, 24, 37 – 42, 46 – 48, 69 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida in view of Fukuzumi and further in view of USPN 6,219,793 issued to Yang Li et al (hereinafter "Li").

Regarding claims 21, 37, 38 and 39, Uchida and Fukuzumi disclose the claimed subject matter as discussed in 1, 7, 11 and 17 respectively. Uchida or Nakamura does not explicitly teach a flash memory.

Li teaches the storing means is a flash memory (column 12, lines 20 – 27).

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine teaching of the cited references because Li's teaching of "storing means is a flash memory" would have allowed Uchida and Fukuzumi's system to involve the use of fingerprint matching to authenticate a call or other communication over a wireless communication network as suggested by Li at column 3, lines 10 - 12.

Regarding claims 22, 40, 41 and 42, Li teaches the reading means is a photodiode or a charge coupled device (see column 4, lines 50 – 65).

Regarding claims 24, 46, 47, 48, 59 and 62 Li teaches a cellular telephone is used (see column 4, lines 33 – 49).

Conclusion

6.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred I. Ehichioya whose telephone number is 571-272-4034. The examiner can normally be reached on M - F 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Fred I. Ehichioya
Patent Examiner
Art Unit 2162

January 13, 2006

SHAHID ALAM
PRIMARY EXAMINER